

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

ANTHONY BLAKE LOWREY,	:	PRISONER CIVIL RIGHTS
INMATE NO. 23292,	:	42 U.S.C. § 1983
	:	
Plaintiff,	:	
	:	
v.	:	
	:	CIVIL ACTION NO.
BARROW COUNTY; SHERIFF	:	2:08-CV-0257-RWS
JOEL ROBINSON; PRO-STRAIN	:	
COMPANY; CORRECT	:	
HEALRG; EVERCOM SERVICE	:	
PROVIDER; GUARD	:	
BAREFOOT; CORPORAL	:	
TRUITT; and DEPUTY BOGGS,	:	
	:	
Defendants.	:	

ORDER

This case comes before the Court on Plaintiff Anthony Blake Lowrey (“Plaintiff”)’s Motion for Relief from Dismissal Order [35] and Supplemental Motion for Relief from Dismissal Order [38]. After reviewing the record, the Court finds the Motions are due to be **DENIED** for the reasons that follow.

Under Federal Rule of Civil Procedure (“Rule”) 60(b), “the court may relieve a party from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly

discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.” Fed. R. Civ. P. 60(b). Furthermore, Rule 60(c) provides that a Rule 60(b) motion “must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order” Fed. R. Civ. P. 60(c).

Plaintiff moves the Court to vacate its March 2, 2009 Order [8], dismissing Plaintiff’s Complaint for failure to state a claim, under Rule 60(b)(6), the catch-all provision that authorizes relief from a final judgment or order for “any other reason” that justifies it. Specifically, Plaintiff argues that he is entitled to relief under this provision on grounds that the undersigned “abused his authority” when he dismissed Plaintiff’s Complaint. (See generally Motion for Relief from Dismissal Order, Dkt. [35]; Supp. Motion for Relief from Dismissal Order, Dkt. [38].) Although Plaintiff strenuously disagrees with


the Court's ruling dismissing his Complaint for failure to state a claim, his personal dissatisfaction with the Court's decision does not entitle him to relief under Rule 60(b)(6).

Accordingly, Plaintiff's Motion for Relief from Dismissal Order [35] and Supplemental Motion for Relief from Dismissal Order [38] are due to be DENIED.

Conclusion

In accordance with the foregoing, Plaintiff's Motion for Relief from Dismissal Order [35] and Supplemental Motion for Relief from Dismissal Order [38] are hereby **DENIED**.

SO ORDERED, this 13th day of July, 2012.


RICHARD W. STORY
United States District Judge